

January 14, 2016



Welcome

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Community Association Board Member Basics

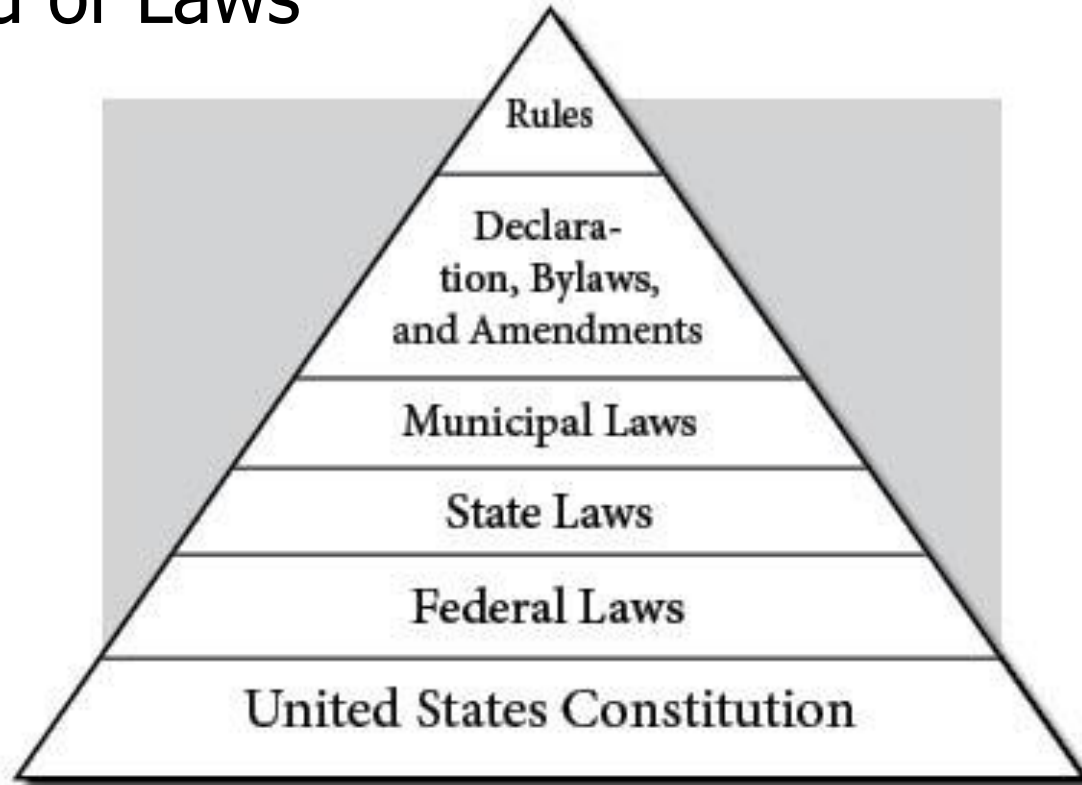
Presented by: Jeffrey E. Kaman, Esq.

Kaman & Cusimano, LLC

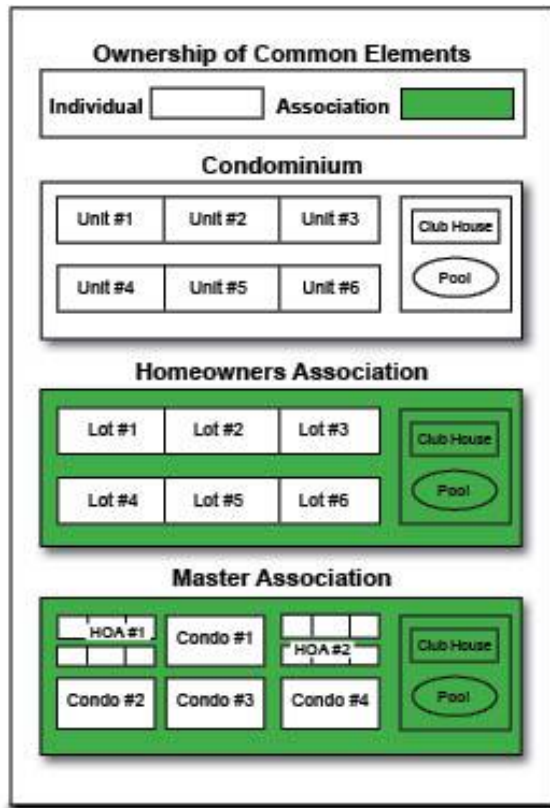
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Pyramid of Laws



3 Types of Deed Restricted Communities



- Condominium Association
 - Homeowners' Association
 - Master Association
-
- Issue is who owns the common elements?
Owners? Association?



3 Types of Governing Documents

1. Declaration

- Declares the property as deed restricted and defines major responsibilities (assessments, restrictions, maintenance, insurance)

2. Bylaws/Code of Regulations

- Governs the internal operation of the association and corporate procedures

3. Handbook of Rules and Information

- Rules must not contradict Declaration or Bylaws
- Rules are not filed with the County and must be distributed



Assessment Collections

- Board's major responsibility is to adopt a budget and assess the owners
- Verify that assessment method is accurate
 - Condominiums assessed by percentage of interest in the common elements
 - Homeowners' associations typically assessed equally
- All owners must pay assessments (Board does NOT have the authority to waive)
- Essential to be aggressive; if one owner does not pay, the rest of the community must make up the difference



Assessment Collections

- 2 equally important collections goals:
 - Collect as much money as possible as quick as possible
 - Stop the bleeding of bad debt
- How to collect?
 - Be aggressive, but do not be debt collectors
 - Send monthly late notices
 - Adopt a collections policy and a procedure with association attorneys
 - Mitigates possibility of discrimination defense
 - Establishes uniform method of collecting delinquent assessments
- Remedies: collection letter, lien, money judgment, and foreclosure



Enforcement – the Basics

- Board must enforce the restrictions and rules, otherwise they should be changed
- Make it easy for owners to comply
- There is generally no duty for board members to “inspect” the premises for violations
- Insist on signed, written complaints from other owners and residents
- Stay out of neighbor to neighbor disputes
- Do NOT enforce someone else’s regulations; if it’s a City issue, contact the City



Enforcement - Remedies

- Friendly first letter; important to alert owners to the violation
- Enforcement Assessments
 - Must follow state mandated enforcement procedure and provide owner with an opportunity to cure the violation and a right to a hearing before the board
 - Assessment amount must be reasonable for the violation; do NOT adopt a “fine schedule”
- Legal Action
 - Demand letters and lawsuits
 - Can the association recover attorney fees?



Board Member Homework

1. Read association governing documents
2. Be familiar with laws governing the association
3. Act like the corporate director that you are
4. Engage and use professionals
5. Adopt clear and uniform rules and procedures
6. Communicate; do not litigate!



Questions?

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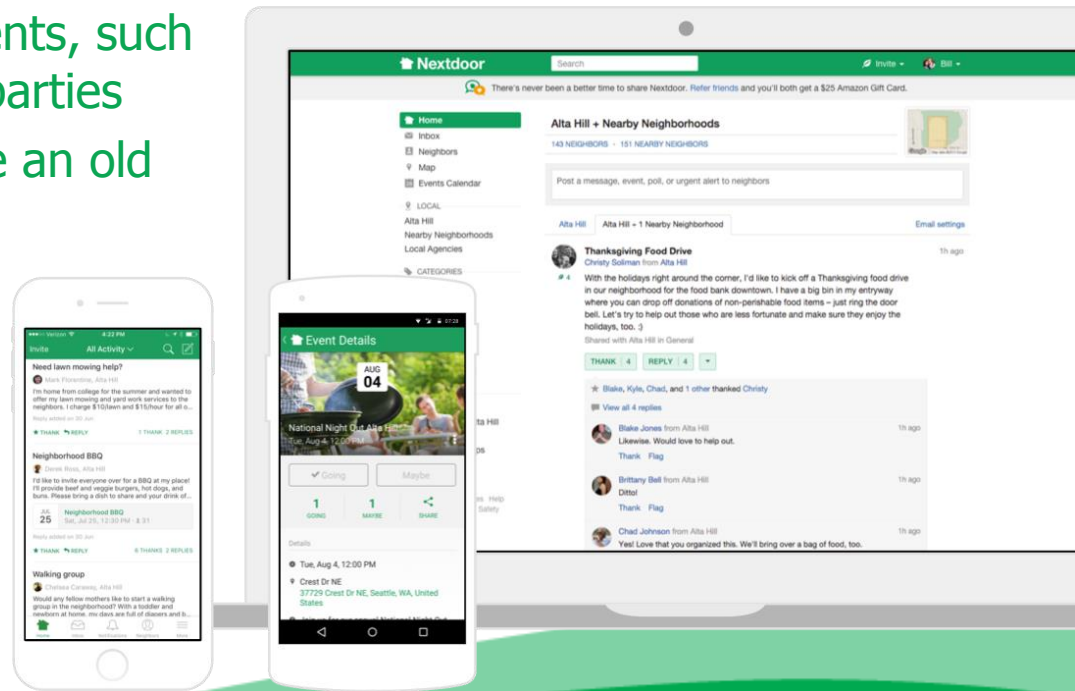


Nextdoor



Nextdoor

- Nextdoor is the free and private social network for neighborhoods
- Organize neighborhood events, such as garage sales and block parties
- Sell or give away items, like an old kitchen table or bike





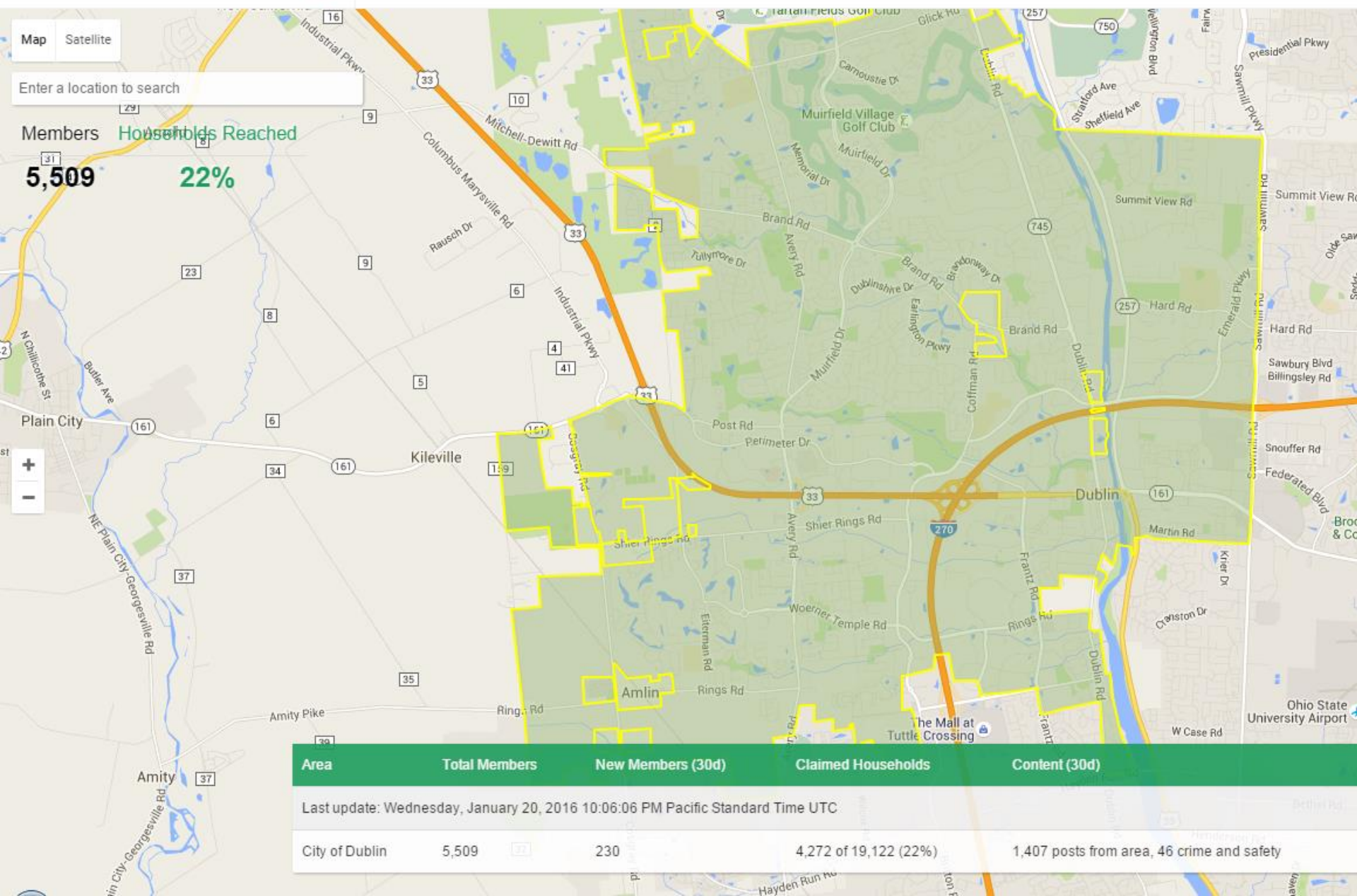
City of Dublin

Bruce

Map Satellite

Enter a location to search

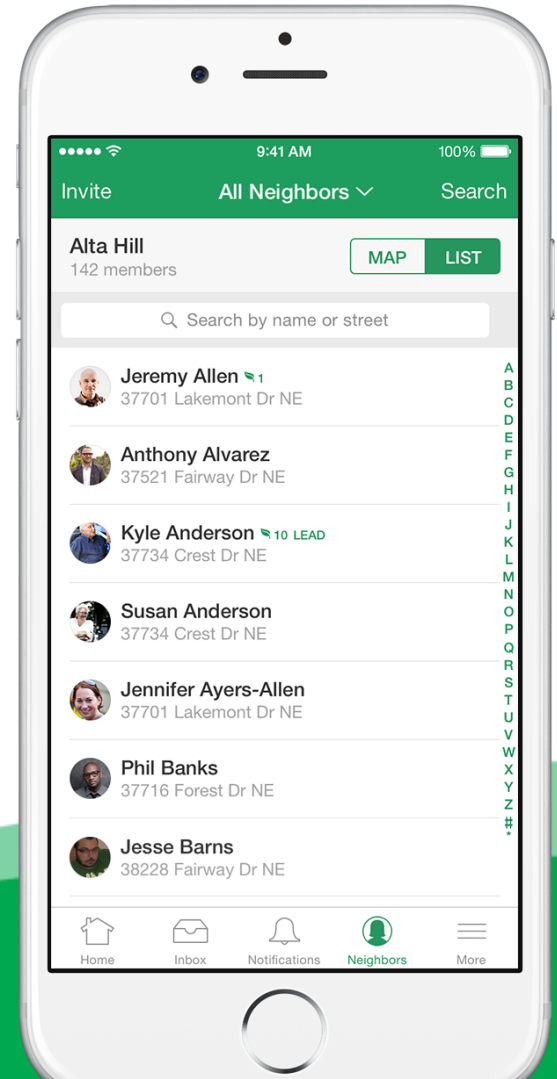
Members **5,509**
Households Reached **22%**

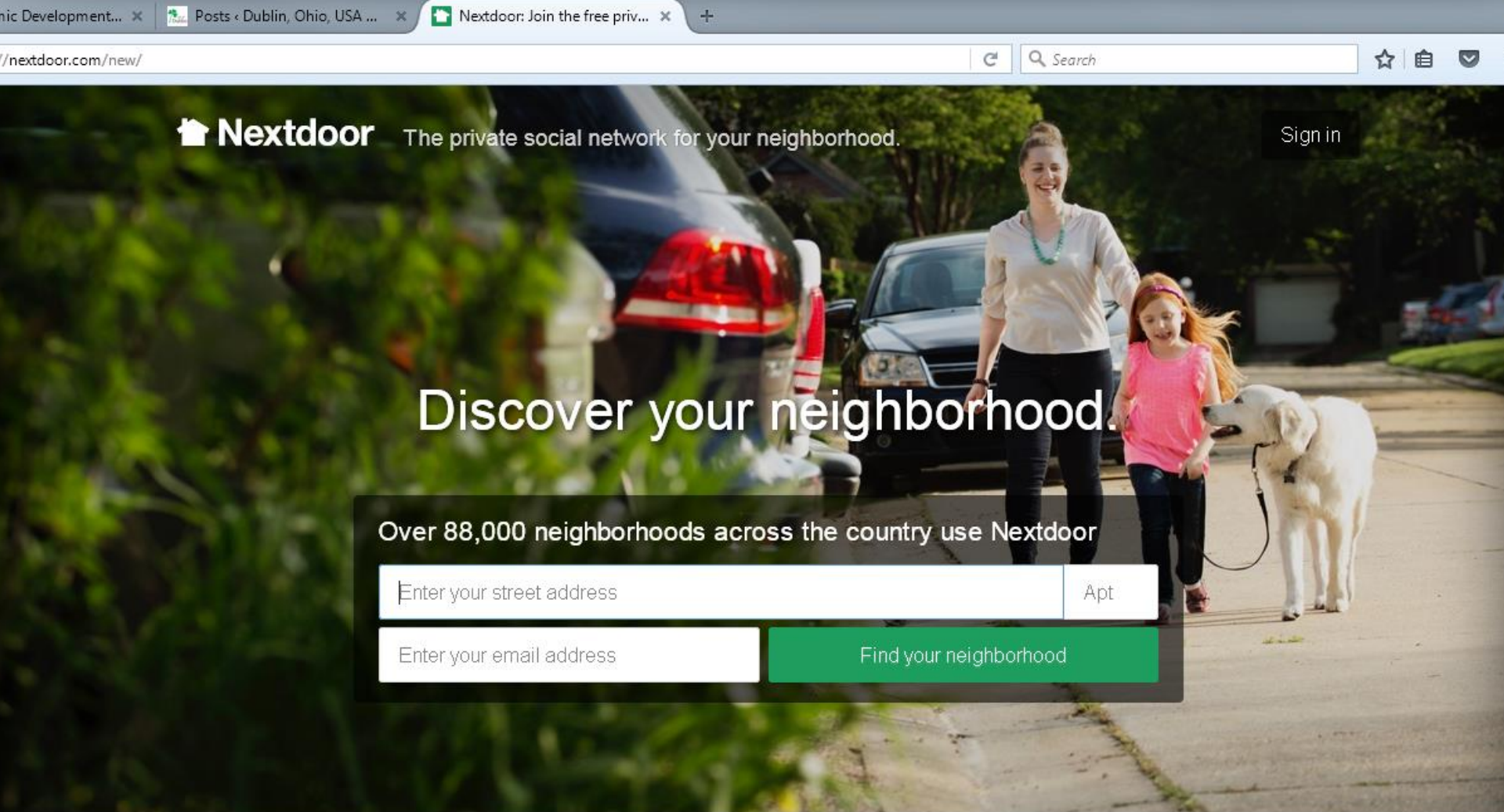


Area	Total Members	New Members (30d)	Claimed Households	Content (30d)
Last update: Wednesday, January 20, 2016 10:06:06 PM Pacific Standard Time UTC				
City of Dublin	5,509	230	4,272 of 19,122 (22%)	1,407 posts from area, 46 crime and safety

Nextdoor

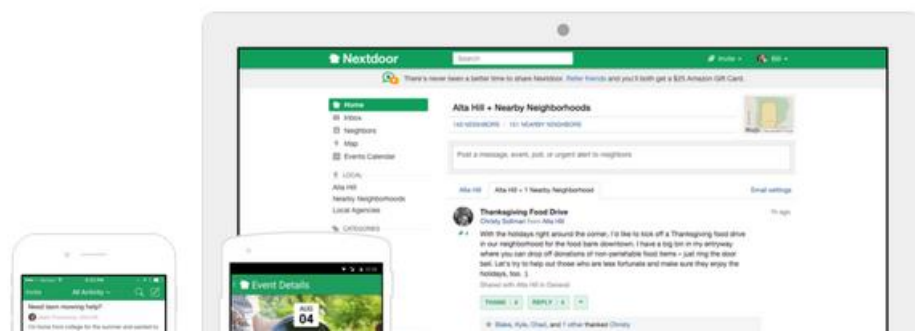
- Demo
 - https://demo.nextdoor.com/news_feed





Nextdoor is the private social network for your neighborhood.

Nextdoor is the best way to stay in the know about what's going on in your neighborhood —whether it's finding a last-minute



Google Groups



neighborhood, ^{area} party, potato,
^{bulletin statements,} group, walk, leaders,
flyer, block facebook dues meeting, cul-de-sac
dublin direct, kit, email, enewsletters,
annual report, crew welcome liaisons,
hot communication,

Other Ideas

